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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIAM RANDOLPH,

Plaintiff(s),

v.

NAPH CARE, INC., et al,

Defendant(s).

2:11-CV-1704 JCM (NJK)

ORDER

Presently before the court is Magistrate Judge Nancy Koppe's report and recommendation that plaintiff William Randolph's complaint be dismissed. (Doc. # 12). No objections have been filed and the deadline to do so has expired.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the

1 district court when reviewing a report and recommendation to which no objections were made); *see*
2 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
3 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
4 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
5 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
6 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation
7 to which no objection was filed).

8 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
9 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
10 and underlying briefs, this court finds good cause appears to ADOPT the magistrate's findings in
11 full.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the report and
14 recommendation of Magistrate Judge Koppe (doc. # 12) be, and the same hereby is, ADOPTED in
15 its entirety.

16 IT IS FURTHER ORDERED that the complaint (doc. #7) be DISMISSED and the clerk of
17 court enter judgment accordingly.

18 DATED September 12, 2013.

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21 **UNITED STATES DISTRICT JUDGE**